

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

UNITED STATES OF AMERICA, :  
 :  
vs. : DOCKET NUMBER  
 : 1:16-CR-0237-AT-JSA-1  
JAMES G. MALONEY, :  
 : ATLANTA, GEORGIA  
DEFENDANT. : AUGUST 22, 2017

**TRANSCRIPT OF STATUS CONFERENCE PROCEEDINGS**

**BEFORE THE HONORABLE JUSTIN S. ANAND**

**UNITED STATES MAGISTRATE JUDGE**

**PART III OF III**

APPEARANCES OF COUNSEL:

**FOR THE GOVERNMENT:**

JOHN RUSSELL PHILLIPS  
STEPHEN H. MCCLAIN  
UNITED STATES ATTORNEY'S OFFICE

**FOR THE DEFENDANT:**

CRAIG C. GILLEN  
ANTHONY C. LAKE  
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LAWANDA N. HODGES  
THE LAW FIRM OF LAWANDA HODGES

***MECHANICAL STENOGRAPHY OF PROCEEDINGS AND COMPUTER-AIDED  
TRANSCRIPT PRODUCED BY:***

***OFFICIAL COURT REPORTER: SHANNON R. WELCH, RMR, CRR  
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ATLANTA, GEORGIA 30303  
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**P R O C E E D I N G S**

**(Atlanta, Fulton County, Georgia; August 22, 2017.)**

THE COURT: So we're back on the record in the courtroom. I'm going to look at the calendar here. So the Government mentioned that it would likely produce some remaining material within two or three weeks.

So what about the end of September? Like, I have pretty much most of the week of the 25th open. What about -- I'll just propose for the sake of something to propose Tuesday the 26th, morning, 9:00 A.M., like today. But most of that rest of the week is open if that is better.

MR. GILLEN: Your Honor, either that Monday or Tuesday would be fine with me. I do -- I'm going to be out of the office on family matters the rest of the week after that. So we can do in the morning.

And by the way, Your Honor, I would on the record like to apologize for being late this morning.

THE COURT: Okay. Thank you.

MR. GILLEN: I don't like that. I apologize to the Court.

THE COURT: Thank you for that. And no problem. You are excused.

Does that work for you? The 26th?

MR. PHILLIPS: It does, Your Honor.

THE COURT: Okay. 26th at 9:00 A.M. It will be fall

1 then. But it remains to be seen whether it will be  
2 substantially cooler.

3 And one question as well for the Government.  
4 Ms. Rodriguez-Feo reminded me on the way in here that conflated  
5 was used a couple of times. I think conflated references to  
6 Section 4 and Section 5 and 6. The Government referenced  
7 making a Section 4 submission, which would be an ex parte  
8 submission to me. Essentially I'd get a request for a  
9 protective order to review materials proposed not to be  
10 disclosed.

11 What would be your timing on that? Do you have --

12 MR. PHILLIPS: You know, the NSD is driving that bus.  
13 So I need to talk to them about that. My understanding  
14 generally is they are pretty close.

15 Can we do it at the end of September? Would that --

16 THE COURT: That would be fine. So, in other words,  
17 you would believe at least for purposes of today that you would  
18 be in a position to file something --

19 MR. PHILLIPS: By the end of September.

20 THE COURT: -- by the end of September? Okay. So  
21 that would be -- well, I guess there is no magic to doing it  
22 the same day as the hearing because I won't have a chance to  
23 really have looked at it anyway. So you are saying  
24 September 30th. Well, that is a Saturday. September 29. Okay  
25 that is fine.

1 MR. PHILLIPS: Thank you.

2 THE COURT: All right. So anything else then?

3 MR. PHILLIPS: Not for the Government.

4 MR. GILLEN: No, Your Honor.

5 THE COURT: All right. So, again -- and I'll -- what  
6 we'll say for purposes of the schedule for a minute entry on  
7 the regular docket is that on the 26th we will hear a status to  
8 determine the defendant's intention -- whether the defense  
9 intends to make any motions to compel.

10 And it sounds like the Government may have a motion  
11 for protective order pursuant to Section 4, which would be  
12 filed on the 29th. I mean, I wouldn't be in a position to have  
13 ruled on that by the 26th anyway. But the defense may also  
14 have motions to compel that we will discuss on the 26th.

15 And perhaps we will also discuss at that point  
16 whether or not we can go ahead and schedule a hearing with  
17 regard to the admissibility of what else is in -- already in  
18 the record separate and apart from any discovery issues. We'll  
19 cross that bridge then.

20 But at a minimum we'll discuss whether there are any  
21 discovery issues to be addressed and/or any briefing schedule  
22 for those issues on September 26.

23 All right. Very good.

24 MR. PHILLIPS: Thank you.

25 MR. GILLEN: Thank you.

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THE COURT: See y'all then.

**(The proceedings were thereby concluded at  
10:31 A.M.)**

C E R T I F I C A T E

UNITED STATES OF AMERICA  
NORTHERN DISTRICT OF GEORGIA

I, SHANNON R. WELCH, RMR, CRR, Official Court Reporter of  
the United States District Court, for the Northern District of  
Georgia, Atlanta Division, do hereby certify that the foregoing  
5 pages constitute a true transcript of proceedings had before  
the said Court, held in the City of Atlanta, Georgia, in the  
matter therein stated.

In testimony whereof, I hereunto set my hand on this, the  
22nd day of September, 2017.

*Shannon R. Welch*

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SHANNON R. WELCH, RMR, CRR  
OFFICIAL COURT REPORTER  
UNITED STATES DISTRICT COURT

UNITED STATES DISTRICT COURT  
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